

BEFORE THE TENNESSEE REGULATORY AUTHORITY AT

NASHVILLE, TENNESSEE

APRIL 12, 2001

IN RE:)	
)	
PETITION OF ON-SITE SYSTEMS, INC. TO AMEND ITS)	DOCKET NO.
CERTIFICATE OF CONVENIENCE AND NECESSITY)	01-00183

**ORDER APPROVING PETITION OF ON-SITE SYSTEMS, INC.
TO AMEND ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

This matter came before the Tennessee Regulatory Authority (the "Authority") at a regularly scheduled Authority Conference held on March 20, 2001, for a decision on the Petition (the "Petition") of On-Site Systems, Inc. ("On-Site") to amend its Certificate of Public Convenience and Necessity ("CCN") to expand its service area to include an additional portion of land in the Eagle Crest Resort service area in Sevier County, Tennessee.

Legal Standard for Granting CCN

On-Site's Petition was made pursuant to and was considered in light of the criteria for granting a CCN as set forth in Tenn. Code Ann. § 65-4-201, which provides, in pertinent part:

(a) No public utility shall establish or begin the construction of, or operate any line, plant, or system, or route in or into a municipality or other territory already receiving a like service from another public utility, or establish service therein, without first having obtained from the authority, after written application and hearing, a certificate that the present or future public convenience and necessity require or will require such construction, establishment, and operation, and no person or corporation not at the time a public utility shall commence the construction of any plant, line, system or route to be operated as a public utility, or the operation of which would constitute the same, or the owner or operator thereof, a public utility as defined by law, without having first obtained, in like manner, a similar certificate . . .

Background

On April 4, 1994, On-Site received a CCN in Docket No. 93-09040 from the Tennessee Public Service Commission to provide sewer service to the Oakwood Subdivision in Maury County. Since that time, through various other dockets, On-Site has been granted approval to expand its service territory to include other areas in Tennessee. By Order dated June 29, 2000, in Docket No. 00-00234, On-Site's CCN was amended to include the Eagle Crest Development area of Sevier County.

Petition to Amend CCN

On February 26, 2001, On-Site filed its Petition to amend its CCN to expand its service area to include an additional portion of land in the Eagle Crest Resort¹ service area in Sevier County. As the Petition states, this additional land is adjacent to the Eagle Crest Resort area for which On-Site received an extension of its CCN in Docket No. 00-00234. A map showing the area to which On-Site proposes to extend service is attached to its Petition. In its Petition, On-Site states that the sewer service provider located closest to the Eagle Crest Resort area is the City of Pigeon Forge (the "City"). On-Site submitted with its Petition a letter from Earlene M. Teaster, City Manager, stating that the City's policy is to provide sewer service only to areas within the corporate limits. This excludes the Eagle Crest Resort service area. In addition, Sevier County Executive Larry Waters has informed On-Site that Sevier County does not provide sewer service to the Eagle Crest Resort area.

On-Site filed a rate schedule with its Petition in this docket which states that residential rates for the Eagle Crest Resort area will be as follows:

Total monthly charge	\$35.11
Non-payment fee	5% of monthly charge

¹ The terms Eagle Crest Development, used in the June 29, 2000 Order in Docket No. 00-00234, and Eagle Crest Resort, used in the Petition, are interchangeable.

Disconnection fee	\$10
Reconnection fee	\$15
Returned check fee	\$20
Access fee	\$84/year

The rate schedule does not list any commercial sewer rates for this area. The rate schedule is the same as that approved by the Authority's Order of June 29, 2000 in Docket No. 00-00234.


On March 20, 2001, On-Site's Petition came before the Authority at a regularly scheduled Authority Conference. Upon consideration of the Petition and pertinent portions of the record, the Authority finds that approval of On-Site's Petition would benefit the present and future public convenience and necessity. Pursuant to Tenn. Code Ann. § 65-4-201, the Authority grants On-Site's Petition.

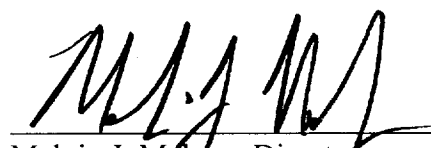
IT IS THEREFORE ORDERED THAT:

1. The Petition of On-Site Systems, Inc. to amend its Certificate of Public Convenience and Necessity to expand its service area to include an additional portion of land in the Eagle Crest Resort service area in Sevier County, as shown in the map attached to the Petition, is approved;
2. On-Site's rates for sewer service to the Eagle Crest Resort area shall be as listed in the rate schedule filed with On-Site's Petition and as set forth in this Order; and
3. Any party aggrieved with the Authority's decision in this matter may file a

Petition for Reconsideration with the Authority within fifteen (15) days from the date of this Order.


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director


Melvin J. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary